

REMARKS

This Amendment, filed in reply to the Office Action dated April 4, 2007, is believed to be fully responsive to each point of the rejection raised therein. Accordingly, favorable reconsideration and allowance of the subject application are respectfully requested. Claims 1, 2, 4, 5, 7-9 are all the claims pending in the application.

Applicants have amended claims 1, 5, and 8 and cancelled claims 3, 6, and 10 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications

Rejection under 35 U.S.C. § 102 (b)

The Examiner rejected claims 1-10 under 35 U.S.C. § 102(b) as being anticipated by Goodman Pub. No. 2006/0059253. Applicants respectfully traverse this rejection and respectfully request the withdrawal of the rejection and allowance of these claims.

The claimed invention recites:

For a database server, a computer program product for directing the database server to selectively release database system resources associated with a database system operatively coupled with the database

server, the database server accessible by applications, the computer program product comprising:

a computer usable medium having computer readable program code embodied in said medium, the computer readable program code comprising:

computer readable program code for receiving requests from one or more applications,

computer readable program code for determining whether a specified application is submitting requests using an online protocol, wherein the computer readable program code for determining whether the specified application is submitting the requests using the online protocol is carried out by the database server receiving a request specifying that the online protocol is to be used and consequently setting an online flag in the database server, and

computer readable program code for returning defined error condition indicators to the specified application when the application is determined to be using the online protocol and when identified system resources are determined to be scarce,

whereby the specified application issues a commit when it is using the online protocol and one of the defined error condition indicators is returned to the application.

See claim 1.

In general, Goodman relates to an architecture for a netcentric computing system. The system uses different protocols to effectuate file transfer, e.g. File Transfer Protocol (FTP), Hypertext Transfer Protocol, etc. See paragraph [0540-0543] and passim. However, Goodman does not explicitly or inherently teach, for example, a “**computer readable program code for**

determining whether a specified application is submitting requests using an online protocol, wherein the computer readable program code for determining whether the specified application is submitting the requests using the online protocol is carried out by the database server receiving a request specifying that the online protocol is to be used and consequently setting an online flag in the database server and computer readable program code for returning defined error condition indicators to the specified application when the application is determined to be using the online protocol and when identified system resources are determined to be scarce... For at least this reason, Applicants respectfully request the withdrawal of this rejection.

In the Final Office Action, the Examiner states that Goodman discloses “online protocol: FTP allows users to upload and download files across the network in paragraph [0541] or HTTP with a web-based environment in paragraph [0542]...” Applicants acknowledge these teachings in Goodman. However, Applicants respectfully submit that these protocols mentioned by Goodman would not have anticipated the claimed invention. The Examiner seems to be focusing on the word “protocol” and not considering these claims in their totality. Even if the protocol mentioned by Goodman were the same as the protocol in claim 1, which it is not, the reference would still lack the teaching to anticipate the claim. Namely, the reference would still fail to teach this limitation as described in claim 1: **“computer readable program code for determining whether a specified application is submitting requests using an online protocol, and computer readable program code for returning defined error condition indicators to the specified application when the application is determined to be using the online protocol and when identified system resources are determined to be scarce...”** Other citations provided by the Examiner also are void of such teachings. Therefore, Applicants respectfully request the withdrawal of the rejection and allowance of the claims.

Independent claims 5 and 8 recite similar limitations and are also patentable over Goodman under the same rationale as set forth above. Claim 2,4, 7, and 9 are also patentable by virtue of their dependency on the independent claims and are patentable for the same reasons.

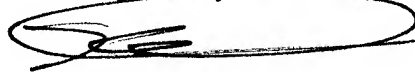
Claims 3, 6, and 10 are canceled. The limitations of each of these claims are now incorporated in independent claims 1, 5 and 8, respectively.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373
CUSTOMER NUMBER

Date: July 3, 2007